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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Morris B/C Company of N.J., Inc.  
Licensee of Radio Station WIMG  
Trenton, NJ

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File No. EB-03-NY-381

NOV No. V20043238003

**NOTICE OF VIOLATION**

**Released: December 2, 2003**

By the District Director, New York Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,<sup>1</sup> to Morris B/C Company of N.J., Inc., licensee of radio station WIMG.

2. On November 4, 2003, agents of the Commission's New York and Philadelphia Offices inspected radio station WIMG-AM located in Trenton, New Jersey and observed the following violations:

- a. 47 C.F.R. § 1.903(a): "Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section." At the time of inspection, station WIMG-AM operated their Studio Transmitter Link ("STL") on 949.50 MHz at their main studio, which is an unauthorized location. WIMG-AM license, WMU826, specifies that Morris B/C Company of N.J., Inc. operate a STL on 949.50 MHz at 555 West Ingham Avenue, Ewing, New Jersey.
- b. 47 C.F.R. § 11.52(d): "Broadcast stations ... must monitor two EAS sources. The monitoring assignments of each broadcast station ... are specified in the State EAS Plan and FCC Mapbook. They are developed in accordance with FCC monitoring priorities." At the time of inspection, station WIMG-AM was monitoring station WPST-FM and the National Weather Service as EAS sources. However, the station must also monitor station WKDN-FM, according to the New Jersey State Plan.
- c. 47 C.F.R. § 11.61(b): "Entries shall be made in broadcast station ... records as specified in § 11.54(b)(12)." At the time of inspection, station WIMG-AM's

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<sup>1</sup> 47 C.F.R. § 1.89.

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records failed to show why it did not receive the weekly tests from WPST-FM between September 7 and September 13, 2003 and between October 5 to October 20, 2003.

- d. 47 C.F.R. § 73.1745(a): “No broadcast station shall operate at times, or with modes or power, other than those specified and made part of the license ...” WIMG-AM’s logs demonstrate that on October 1, 2, 4, 8, 9, 30 and November 1, 2003, the station was operating with daytime power during nighttime hours.
- e. 47 C.F.R. § 73.1870(b)(3): “The designation of the chief operator must be in writing with a copy of the designation posted with the station license. Agreements with chief operators serving on a contract basis must be in writing with a copy kept in the station files.” At the time of inspection, there was no designation of the chief operator in writing.
- f. 47 C.F.R. § 73.1870(c)(3): “Review of the station logs at least once each week to determine if required entries are being made correctly. Additionally, verification must be made that the station has been operated as required by the rules or the station authorization. Upon completion of the review, the chief operator or his designee must date and sign the log, initiate any corrective action which may be necessary, and advise the station licensee of any condition which is repetitive.” At the time of inspection, the chief operator failed to review, sign and date logs from September 1 to November 4, 2003.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, Morris B/C Company of N.J., Inc. must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the owner with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
New York Office  
201 Varick Street, Suite 1151  
New York, NY 10014

4. This Notice shall be sent to Morris B/C Company of N.J., Inc., 1842 South Broad Street, Trenton, NJ 08610.

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<sup>2</sup> 47 U.S.C. § 308(b).

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5. The Privacy Act of 1974<sup>3</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

Daniel W. Noel  
District Director  
New York Office

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<sup>3</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*